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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,278	11/10/1999	WILLIAM J. DONOVAN	33-99-001	7771

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EXAMINER

PORTER, RACHEL L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 08/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,278

Applicant(s)

DONOVAN ET AL.

Examiner

Rachel L. Porter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11 and 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to the Applicant

1. This communication is in response to the amendment filed 5/28/02. Claims 1-4, 6-11, and 13-20 remain pending. Claims 1,6, and 13 have been amended. Claims 21-23 are newly added.

Specification

2. The objection to title of the invention as not descriptive is hereby withdrawn due to the amendment filed on 5/28/02.

3. The objection to the specification for providing a conflicting description of the process illustrated in Figure 5 is hereby withdrawn due to the amendment filed on 5/28/02.

4. The amendment filed 5/28/02 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The newly recited "first version number and second version number. . . wherein the second version number differs from the first version number," "wherein the format of the old reservation data in the data store differs from the format of the old reservation data in the data store" within claims 1, 6, and 13 and "the second new reservation data. . . a third version number. . . wherein the third version number differs from the second version number"

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and "wherein the format of the second new reservation data in the data store differs from the format of the first new reservation data in the data store" within claims 21-23.

In particular, the Applicant does not point to, nor was the Examiner able to find, any support for this newly added claim language within the specification as originally filed. As such, the Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed specification and claims, or to cancel the new matter in the reply to this Office Action.

Drawings

5. The objection to the drawings for failing to comply with 37 CFR 1.84(p)(5) because they included reference sign(s) not mentioned in the description is hereby withdrawn due to the amendment filed on 5/28/02.

Claim Rejections - 35 USC § 112

6. The rejection of claims 1, 6, and 9 under 35 U.S.C. 112, second paragraph, as being indefinite is hereby withdrawn due to the amendment filed on 5/28/02.

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-4, 6-11, and 13-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as

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to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1,6, and 13 and dependent claims 21-23 recite limitations that are new matter, as discussed in the specification objection (paragraph 3 of the present Office Action), and are therefore rejected.

Claims 2-4, 7-11, and 14-23 are dependent from claims 1,6, and 13, and therefore inherit the deficiencies of the respective independent claims through dependency.

NOTE: The following art rejections are provided hereinbelow for the Applicant's consideration on the condition that the Applicant provide support for the newly recited subject matter of claims 1, 6, 13, and 21-23, as discussed in the 112,1st paragraph rejection and the specification objection, in the originally filed specification and/or claims in the next communication sent in response to the present Office Action.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 1-4, 6-11, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dettelbach for substantially the same reasons provided in the previous Office Action (Paper No. 5), and in view of Johnson et al (US Patent No. 5,664,109—referred to hereinafter as Johnson) as explained below.

(A) Claim 1 has been amended to include the recitation of “the new reservation data comprising . . . a first version number” and “the old reservation data comprising . . . a second version number.” Dettelbach teaches a data store receiving conflicting old and new reservation data comprising a plurality of attributes as explained in the previous Office Action. Dettelbach does not specifically teach that the old and new reservation data include second and first version numbers respectively, but does teach the data store includes historical and newly downloaded reservation data and that system data are labeled with tracking information (i.e. processing dates). (col. 3, lines 36-44; column 12, lines 6-17; col. 7, line 23). At the time of the Applicant’s invention, it would have been obvious to one of ordinary skill in the art to modify the teaching of Dettelbach to also include different version numbers on the files (i.e. old and new reservation data) located in the data store. As suggested by Dettelbach, one would have been motivated to do this to more efficiently receive, track and logically arrange the travel data sent to the system on a daily basis. (col. 2, lines 5-10; lines 40-51)

Claim 1 has also been amended to recite “wherein the format of the new reservation data in the data store differs from the format of the old reservation data in the data store.” Dettelbach teaches a system wherein the format of the old reservation data differs from the format of the new reservation data. As the new data is received

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from the central reservation system, it is a ".RAW" file. (col. 4, lines 33-40) The new reservation data is then conditioned and is converted to the same output format as the historical reservation files maintained in the system's database. (col. 6, lines 57-67) Dettelbach teaches that the file formats may be converted, but it is unclear from the Dettelbach reference whether the system also accommodates files of different formats in the same data store. Johnson teaches a system in which a central file repository receives, stores, and processes data files with different formats. (Johnson: abstract, col. 4, lines 52-66). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Dettelbach with the teaching of Johnson to enable the data store to receive and store files with different formats. One would have been motivated to do this to reduce processing time caused by format conversion and to more efficiently receive and interpret of travel data, a primary advantage of the invention suggested by Dettelbach. (col. 2, lines 40-43)

The remaining amendments to claim 1 were apparently made to overcome the 112, 2nd paragraph issues set forth in the prior Office Action (Paper No. 5). However, these changes do not affect the scope and breadth of the claim as originally presented and/or interpreted by the Examiner when applying prior art within the previous Office Action (Paper No. 5). As such, these limitations are rejected under the same rationale given in the previous Office Action, and incorporated herein.

(B) The amendments to claim 6 are substantially similar to the amendments of claim 1. As such, the limitations are addressed by the rejection of claim 6 in the previous

Office Action (Paper No. 5) and the rejection of claim 1 in the present of Office Action (in paragraph 10(A)), and incorporated herein.

(C) The amendments to claim 9 were apparently made to overcome the 112, 2nd paragraph issues set forth in the prior Office Action (Paper No. 5). However, these changes do not affect the scope and breadth of the claim as originally presented and/or interpreted by the Examiner when applying prior art within the previous Office Action (Paper No. 5). As such, these limitations are rejected under the same rationale given in the previous Office Action, and incorporated herein.

(D) The amendments to claim 13 are substantially similar to the amendments of claim 1. As such, the limitations are addressed by the rejection of claim 13 in the previous Office Action (Paper No. 5) and the rejection of claim 1 in the present of Office Action (in paragraph 10(A)), and incorporated herein.

(E) Claims 2-4, 7,8,10,11,14-20 have not been amended, and as such, these claims are rejected using the same rationale given in the previous Office Action (Paper Number 5), and incorporated herein.

11. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dettelbach in view of Johnson.

(A) As per claim 21, Dettelbach and Johnson teach the system of claim 1 as explained in the rejection of claim 1. As per the recitation of receiving additional new reservation data (i.e. second new reservation) comprising a plurality of attributes and another (i.e.third) version number, associating the second new reservation data with a time stamp, adding the second new reservation data to the data store, and having the

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format for the second new reservation data differ from the first new reservation data, the Examiner respectfully submits that these limitations are substantially similar to those recited in claim 1. Claim 21 differs from claim 1 in that it recites second new reservation data with a third version number. The courts have broadly held that the duplication of parts is obvious. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). As such, these changes do not present a patentable distinction over the applied prior art of record, and claim 21 is rejected for the same reasons provided in the rejection of claim 1 and incorporated herein.

(B) As per claim 22, Dettelbach and Johnson teach the system of claim 6 as explained in the rejection of claim 6. As per the recitation of receiving additional new reservation data (i.e. second new reservation) comprising a plurality of attributes and another (i.e.third) version number, associating the second new reservation data with a time stamp, adding the second new reservation data to the data store, and having the format for the second new reservation data differ from the first new reservation data, the Examiner respectfully submits that these limitations are substantially similar to those recited in claim 6. Claim 22 differs from claim 6 in that it recites second new reservation data with a third version number. The courts have broadly held that the duplication of parts is obvious. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). As such, these changes do not present a patentable distinction over the applied prior art of record, and claim 22 is rejected for the same reasons provided in the rejection of claim 6 and incorporated herein.

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(C) As per claim 23, Dettelbach and Johnson teach the method of claim 13 as explained in the rejection of claim 13. As per the recitation of receiving additional new reservation data (i.e. second new reservation) comprising a plurality of attributes and another (i.e. third) version number, associating the second new reservation data with a time stamp, adding the second new reservation data to the data store, and having the format for the second new reservation data differ from the first new reservation data, the Examiner respectfully submits that these limitations are substantially similar to those recited in claim 13. Claim 23 differs from claim 13 in that it recites second new reservation data with a third version number. The courts have broadly held that the duplication of parts is obvious. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). As such, these changes do not present a patentable distinction over the applied prior art of record, and claim 23 is rejected for the same reasons provided in the rejection of claim 13 and incorporated herein.

Response to Arguments

12. Applicant's arguments with respect to claims 21-23 have been considered but are moot in view of the new ground(s) of rejection necessitated by the newly added claims.

13. Applicant's arguments filed 5/28/02 have been fully considered but they are not persuasive.

On pages 11-12 of the response, the Applicant argues that the newly added features in the 5/30/02 amendment are not taught or suggested by the applied reference.

In response, all limitations which the Applicant disputes as missing in the applied reference, including the newly added features in the 5/28/02 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious over Dettelbach in view of Johnson based on logical reasoning of one of ordinary skill in the art at the time of the Applicant's invention. These limitations have been addressed as detailed in the present Office Action or in the previous Office Action (Paper no. 5), and incorporated herein.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Acebo et al (US Patent No. 6,023,679) teach a system and method for processing and extracting travel information across different database formats.
- Furegati et al (US Patent No. 5,966,704) teach a system for storing and mapping data across different database formats.
- Nevarez (US Patent No. 5,628,007) teaches a system/method for storing database files.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is 703-305-0108. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703)305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7687 for regular communications and (703)305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.


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RP

August 25, 2002


JOSEPH THOMAS
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